

REMARKS

Claims 1-3, 5-11 and 13-33 are currently pending in the subject application and are presently under consideration. Claims 22-33 stand withdrawn. Independent claim 1 has been amended herein to incorporate features previously recited in now cancelled claim 12. Applicants' representative notes that the amendments do not necessitate a new search or any undue effort by the Examiner. It is respectfully requested that such amendments be entered as they represent applicants' efforts to further the prosecution of the subject patent application. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claims 5-6

Claims 5-6 are objected to because of minor informalities. This objection is now moot and should be withdrawn in view of the amendments to claims 5 and 6.

II. Rejection of Claims 1-3 and 5-20 Under 35 U.S.C. §101

Claims 1-3 and 5-20 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In view of the amendments to independent claim 1, this rejection is now moot and should be withdrawn.

III. Rejection of Claims 1-3, 5-12, 15, 16 and 18-21 Under 35 U.S.C. §102(e)

Claims 1-3, 5-12, 15, 16 and 18-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Krishnapuram *et al.* (US 7,120,698). This rejection should be withdrawn for at least the following reasons. Krishnapuram *et al.* does not disclose all aspects of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added).

The claimed invention relates to an enhanced security model in accordance with hierarchically arranged data items. In particular, independent claim 1 recites a computer-implemented data security system that facilitates securing a data item, comprising a computer-readable memory comprising a data store that includes at least one hierarchical data structure that comprises a plurality of data items; and a security component stored in the computer-readable memory that automatically applies at least one of a plurality of security policies to at least a first subsection of the data store *and orders, via an ordering component, a plurality of Access Control Entries (ACE) in an Access Control List (ACL) based at least in part upon detection of type of the at least one hierarchical data structure*, the at least one of a plurality of security policies employs the ACL. Krishnapuram *et al.* does not disclose all aspects of the subject claims.

Krishnapuram *et al.* relates to a hierarchical access determination system for a data store. The cited reference does not disclose ordering *a plurality of Access Control Entries (ACE) in an Access Control List (ACL) based at least in part upon detection of type of the at least one hierarchical data structure*, as recited in amended independent claim 1; rather, the cited reference resolves the application of conflicting access control instructions without contemplating arranging the rules within an access control list in a specific order according to a type of data store object that is detected. In contrast, the claimed invention allows for ordering of the plurality of ACE's within the ACL according to the type of hierarchical data structure that is detected within the data store.

In view of at least the foregoing comments, it is readily apparent that Krishnapuram *et al.* does not teach or disclose each and every limitation of independent claim 1. Accordingly, applicants' representative respectfully requests withdrawal of this rejection.

IV. Rejection of Claims 13-14 Under 35 U.S.C. §103(a)

Claims 13-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Krishnapuram *et al.* (US 7,120,698) in view of Holdsworth *et al.* (US 2003/0188198). This rejection should be withdrawn for at least the following reasons. The subject claims depend from independent claim 1. As stated *supra*, Krishnapuram *et al.* does not teach, disclose or suggest applicants' invention as recited in independent claim 1; and Holdsworth *et al.* does not cure the aforementioned deficiencies of the primary reference. Accordingly, this rejection

should be withdrawn.

V. Rejection of Claim 17 Under 35 U.S.C. §103(a)

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Krishnapuram *et al.* (US 7,120,698) in view of Belani *et al.* (US 6,772,350). This rejection should be withdrawn for at least the following reasons. The subject claim depends from independent claim 1. As noted above, Krishnapuram *et al.* does not teach, disclose or suggest applicants' invention as recited in independent claim 1; and Belani *et al.* does not cure the aforementioned deficiencies of Krishnapuram *et al.* Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP535US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731